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Source: *Journal of Asian History*, 2008, Vol. 42, No. 2 (2008), pp. 143-164

Published by: Harrassowitz Verlag

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BOW CONTROL IN HAN CHINA: YUQIU SHOUWANG ON SELF-DEFENSE

It is easy for a generation to imagine its problems are new, its situation unique. This is, perhaps, especially the case in a world where the news is supposedly old after just thirty-six hours.[1] But if it is an exaggeration to say there is nothing new under the sun, the study of antiquity can sometimes make you suspect there isn't too much new here.

Take for example the ongoing debate over gun control in the United States. The US has little restriction on the possession of firearms in comparison with most other countries. Some would change this situation and propose various new gun regulations to promote public safety. On the other side stand those who support the ownership of guns, usually for purposes of self-defense, though commonly giving other justifications as well. Though it might be easy to imagine that this sort of debate is unique to our times, there was in fact a similar argument in the first century of imperial rule in China. To be sure, the invention of guns would come more than a thousand years later.[2] But there was a discussion at the court

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* I would like thank Anthony E. Clark, Reinhard Emmerich, Miyake Kiyoshi, and Tomiya Itaru, who read and commented on drafts of this paper; Corbin Sanft, who helped locate a number of articles; and the Japan Society for the Promotion of Science, which provided financial support. I presented a shorter and substantially different version of this piece at a meeting of the Nihon Shin-Kan shi gakkai, November 2, 2006. A Japanese translation of that version appeared in the *Nihon Shin-Kan shi gakkai kaihō* 8 (2007).

1 Z. Dezsö, E. Almás, A. Lukács, B. Rácz, I. Szakadát, and A.-L.Barabási, "Dynamics of Information Access on the Web," *Physical Review E: Statistical, Nonlinear, and Soft Matter Physics* 73 (2006), article no. 066132 argues that "news" on the Internet is already "old" after 36 hours.

2 Joseph Needham, with the collaboration of Ho Ping-yü (Ho Peng Yoke), Lu Gwei-djen, and Wang Ling, *Science and Civilisation in China*, vol. 5: Chemistry and Chemical Tech-

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of Emperor Wu (Liu Che, reg. 140–87 BC) of the Han about whether the general population should be permitted the distance weapons of the day: bows and crossbows. In 124 BC, chancellor Gongsun Hong (200–121 BC) proposed banning private ownership of these weapons in order to improve public safety. Yuqiu Shouwang (ca. 1st c. BC; styled Zigong)[3] argued against the suggestion in a memorial I will refer to as "Against Bow Control."[4]

In the following, I will translate and analyze "Against Bow Control." This memorial is an illustrative example of early Han political rhetoric, and highlights problems maintaining public safety at the time. I will begin with brief mention of some modern arguments about gun control, which are similar to those advanced by Gongsun Hong and Yuqiu Shouwang about bows and crossbows, and show the (perhaps) surprising durability of the rhetorical forms involved.

Gun Control in the United States

The US at present has relatively loose legal controls on the possession of firearms compared to many other countries. Political organizations that support the freedom to own guns and those that advocate more regulation of them are numerous and vociferous. Writing on both sides of the discussion is marked by repetitious and dogmatic polemic. Yet there are certainly coherent arguments underlying both positions, and the most reasonable stance is probably somewhere between the two extremes.[5]

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nology, part 7: Military Technology; The Gunpowder Epic (Cambridge: Cambridge University Press, 1986), 304 and passim, discusses the predecessors and early forms of firearms, tentatively concluding that guns per se probably date to the mid-13th century.

3 I follow the *Hanyu dacidian* to read this surname as Yuqiu. In a gloss in Sima Guang (1019–1086), *Zizhi tongjian* (Beijing: Zhonghua shuju, 1956), 19.615, Hu Sanxing (1230–1302) also specifies the pronunciation Yuqiu, which is indicated elsewhere as well. However, *Ciyuan* and other sources give Wuqiu, so that pronunciation cannot be discounted.

4 The text of this untitled memorial is found in Ban Gu (32–92), *Han shu* (Beijing: Zhonghua shuju, 1962), 64A.2795–2797. I also referred to the text and commentary in Gao Buying (1873–1940), *Lianghan wen juyao* (Beijing: Zhonghua shuju, 1990), pp. 84–86.

5 John Casteen, "Ditching the Rubric on Gun Control: Notes from an American Moderate," *The Virginia Quarterly Review* 80 (2004), pp. 210–221.

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Many groups exist that argue for increased regulation and control of guns, like the Brady Campaign to Prevent Gun Violence.[6] They often advocate new legislation aimed at controlling handguns and particularly lethal forms of other guns, arguing that new limitations will help keep guns away from criminals and so reduce violent crime. Ultimately, all arguments in favor of gun control boil down to the proposition that public safety would be improved by reducing or eliminating private ownership of firearms.

Then there are those like the National Rifle Association who would preserve the status quo or even loosen current regulations on firearms.[7] Three of the arguments gun control opponents make are similar to those Yuqiu Shouwang offers in his piece. The most popular argument against gun control is that firearms enable citizens to protect themselves against violent criminals. This position is predicated on the idea that there exists a right to self-defense, a notion that, objectively considered, has some serious problems.[8] Nevertheless, it is popularly accepted and commonly referred to.[9] A second argument is that guns are only tools and do not themselves cause people to commit violent acts.[10] This asserts that crime arises from factors other than the availability of weapons. Advocates of this point of view often combine it with an appeal to a right of self-defense, arguing that gun regulation keeps law-abiding people from the means for self-protection but does not hinder criminals.[11] Finally, there are many arguments based on what I summarize simply as "tradition." I include under this rubric all arguments based on the intrinsic value of existing custom in various forms.

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6 Online at www.bradycampaign.org.

7 Online at www.nra.org.

8 For a summary and critique of theories justifying self-defense as a right, see Whitley Kaufman, "Is There a 'Right' to Self-Defense?," *Criminal Justice Ethics* 23 (2004), pp. 20–32.

9 E.g., Cliff Stearns, "The Heritage of Our Right to Bear Arms," *Saint Louis University Public Law Review* 18 (1999), p. 19.

10 The best-known scholarly advocate of this view is probably Gary Kleck; see, e.g., Kleck and Don B. Kates, *Armed: New Perspectives on Gun Control* (Amherst: Prometheus Books, 2001), and Kleck, *Targeting Guns: Firearms and Their Control* (New York : A. de Gruyter, 1997), etc.

11 E.g., Joyce Lee Malcolm, "Self-Defense: An Endangered Right," *Cato Policy Report* 26 (2004), pp. 14–16 (online at www.cato.org/pubs/policy_report/v26n2/cpr-26n2-1.pdf; accessed 3 March 2006).

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Some refer to the "heritage" derived from the English origins of the US legal system, while others refer to the tradition of hunting.[12] Clearly this rhetoric is powerful, if not always logical.

Weapons Control in Han China

There was considerable freedom to own weapons in early China, too. During the Han era, private citizens were permitted – and in a very few cases even required – to possess arms, including swords, spears, bows, and armor. Weapons were available for purchase and people at all levels of society lawfully owned and practiced using them.[13] Military arms were subject to particular rules and kept secure in government storehouses when not in use.[14] There were controls on weapons manufacture,[15] and on the export of weapons and related technology beyond Han territory.[16] But there were no general laws against owning weapons in Han times, and early attempts at such prohibitions around the time of the Han were short-lived and connected by later scholars to tyranny and dynastic failure.[17]

A classic example of this is the First Emperor of Qin (Qin Shihuang; Ying Zheng, reg. 221–211 BC). One of his first acts upon uniting the realm in 221 BC was confiscation of all weapons (excepting of course those of his army), which were made into bells and statues.[18] Though the histories do not name his reason, this surely served – in part at least – to secure a monopoly on military force and strengthen the newly-won position of his

12 E.g., Stearns, 21 and passim.

13 Fan Xuehui, "Lun Lianghan de siren bingqi," *Shandong daxue xuebao (zhexue shehui kexue ban)* 1 (1999), 52–58; Fan Xuehui, "Lianghan bingqi jiaoyi chutan," *Henan daxue xuebao (shehui kexue ban)* 39 (1999), pp. 6–8.

14 See Zhuang Chunbo, "Qin Han wuku zhidu," *Shixue yuekan* 194 (1991), pp. 6–11; and Chen Hongqi, "Qianhan dianli bingqi de zhiguan kaoshu," *Jiandu xuebao* 11 (1985), pp. 213–220.

15 See Chen Hongqi, "Qianhan dianli bingqi," pp. 201–233.

16 Fan Xuehui, "Siren bingqi," p. 55; and see, e.g., Gansusheng wenwu kaogu yanjiusuo, Gansusheng bowuguan, Zhongguo wenwu yanjiusuo, and Zhongguo shehui kexueyuan lishi yanjiusuo, eds., *Juyan xinjian* (Beijing: Zhonghua shuju, 1994), 1: 11 (EPT5:149).

17 E.g., Gu Yanwu (1613–1682), in Huang Rucheng, *Ri zhi lu jishi* (Taipei: Guotai wenhua shiye gongsi, 1980), 12.293, who cites the two examples I discuss.

18 *Shi ji*, 6.239; *Zizhi tongjian*, 7.236.

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dynasty.[19] Qin controls on metal production were probably also intended to regulate the ownership of weapons.[20] Despite these measures, the Qin dynasty lasted only thirteen years, and was later known mainly for alleged cruelty. Another example is that of Wang Mang (reg. 9–23), sole ruler of the abortive Xin dynasty (9–23). In his second year of rule (AD 10), on pain of banishment Wang Mang forbade the populace to bear crossbows and wear armor.[21] Needless to say, this did not preserve his reign, which fell and so became an interregnum dividing two periods of Han rule instead of inaugurating a new dynastic succession.

Thus, there was permissiveness in Han-era China about the ownership and use of weapons, and attempts to change this situation were later criticized. There were some controls on arms, but there was also considerable freedom. It follows that the new rules for bows and crossbows suggested by Gongsun Hong would have had made a significant change in legal practice and eliminated a longstanding prerogative of the ordinary citizenry.

The Proposal

Gongsun Hong was a native of Xue prefecture in Zichuanguo (mod. Shandong) and the son of a poor family.[22] He served as a legal officer while still young, but lost his position due to some unspecified crime. Later, when he was more than forty years old, he took up the study of the *Chunqiu* and its exegeses. In 140 BC, Gongsun Hong was appointed erudite, but when a report he submitted displeased the emperor soon claimed illness and went home. Gongsun Hong was sent again to the capital and re-appointed erudite in 130 BC. Within two years, he was promoted to be clerk of the eastern part of the capital. In 126 BC he became grandee secretary, one of the three excellencies at the top of the

19 Han Fuzhi, Ye Daxiong, Shao Taixin, and Chen Wenhao, *Qin Han shi* (Taipei: Guoli kongzhong daxue, 1996), p. 38.

20 Victoria Tin-bor Hui, "The Emergence and Demise of Nascent Constitutional Rights: Comparing Ancient China and Early Modern Europe," *Journal of Political Philosophy* 9 (2001), p. 380.

21 *Han shu*, 99B.4118.

22 The following biographical outline is drawn from the biographies of Gongsun Hong in *Shi ji*, 112.2949–2953 and *Han shu*, 58.2613–2624; I have also referred to the translation and notes in Yang Yanqi, *Shi ji quan yi* (Guiyang: Guizhou renmin chubanshe, 2001), pp. 3910–3921.

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bureaucracy.[23] With the passing of time, Gongsun Hong developed health problems. But he was promoted to chancellor of the realm and enfeoffed as marquis of Pingjin (in modern Hebei) in 124 BC, remaining chancellor until his death in 121 BC. The fief passed to his son, who lost it some ten years later by misdeed.

As a person, Gongsun Hong was a mixed bag. Indisputably talented, he was noted for modesty in dress, eating, and behavior; filiality towards his stepmother; and generosity to old friends and favored clients. He cultivated a friendly demeanor and would never contradict in court discussions, deferring to the throne to the point of sycophancy. (In his defense it may be noted he was not alone in this, and that Emperor Wu's intermittent cruelties would seem to have encouraged the same.) He is also said to have been suspicious and jealous, and to have maintained a genial facade while exacting revenge for every perceived wrong. He is specifically blamed for engineering the execution of Zhufu Yan (ob. 127 BC) and the ouster of Dong Zhongshu (2nd c. BC), two of his most important rivals.

In 124 BC, after becoming chancellor, Gongsun Hong wrote a memorial recommending that ordinary citizens be forbidden to own bows and crossbows. He claimed a restriction on weapons would help in controlling banditry. Ban Gu's (32–92) Han shu preserves the text:

> 民不得挟弓弩。十賊彍弩，百吏不敢前。盜賊不輒伏辜，免脫者眾。害寡而利多。此盜賊所以蕃也。禁民不得挟弓弩，則盜賊執短兵，短兵接則眾者勝。以眾吏捕寡賊，其勢必得。盜賊有害無利，則莫犯法，刑錯之道也。臣愚以為禁民毋得挟弓弩便。[24]
>
> The people should not be able to possess bows or crossbows.[25] If ten bandits wield crossbows,[26] a hundred officers dare not advance [against them]. Not all robbers and bandits receive proper punishment, and many avoid it. They get little harm and much profit. This is the reason robbers and thieves multiply. If we prohibited the people from owning bows and crossbows, then robbers and bandits would carry short weapons.

23 The other two were chancellor and grand commandant; see Hans Bielenstein, *The Bureaucracy of Han Times* (Cambridge: Cambridge University Press, 1980), pp. 7–10.

24 *Han shu*, 34A.2795.

25 *Xie* literally, "to carry under the arm," can refer specifically to carrying weapons, especially bows; it also has the extended sense of "to possess, own." Since the arguments both for and against Gongsun Hong's proposal are broad, and neither the good nor the bad effects would entail if the proposed prohibition concerning only *carrying* bows (which could then, presumably, still be owned), I take *xie* in the broad sense of "to possess."

26 *Kuo* is literally "to bend" a bow or crossbow, i.e., "to wield."

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> And when short weapons meet [in battle], the more numerous [group] wins. So if we sought to capture a few bandits with a large number of officers, circumstances would make it invariably successful. If robbers and bandits got harm and not profit, then none would break the law. This is the way [to be able to] set aside punishments.[27] I hold that it would be advantageous to prohibit the people from owning bows and crossbows.

The case for restricting these weapons seems straightforward and boils down to a matter of public safety. It suggests forbidding bows and crossbows to the people generally will prevent them from getting into the hands of criminals. If Gongsun Hong's proposal had been successful, it would have resulted in an imperial edict with the force of law. Although edicts had different functions, they were one method for establishing and changing legal practice, as would have been in this case.[28]

As is sometimes the case in modern arguments supporting gun control, the stated purpose of the new regulations is to protect officers of the law. Historical and other records contain many accounts of increasing lawlessness in the early Han period.[29] Gongsun Hong's proposal rests on the perceived need to increase the relative power of police forces in order to control crime. Han officials, despite superior numbers, had difficulty dealing with criminals. And generally speaking, distance weapons like bows and crossbows can equalize unequal forces and enable defenders to keep off attack without exposing themselves.[30] Thus, Gongsun Hong

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27 *Xingcuo*, "set aside punishments," is a conventional phrase describing a situation in which punishments are not used because good rule has made them unnecessary. It is associated with the utopian rule of semi-legendary sage kings, as in the *Shi ji*, 4.134, where it describes the reigns of Zhou kings Cheng and Kang. In his commentary at *Han shu*, 23.1091, Yan Shigu (581–645) explains that *xingcuo*, 謂置而弗用也。"Means to set aside and not employ [punishments]".

28 Xing Yitian, *Qin Han shi lun gao* (Taipei: Dongda tushu, 1987), pp. 250–252.

29 According to Dong Zhongshu, convictions at the time numbered in the tens of millions annually; *Han shu*, 56.2515. For a telling – if somewhat rhapsodic – example of how crime was perceived at the time, see the "Su ji" chapter of Jia Yi's *Xin shu*, in Qi Yuzhang, *Jiazi Xin shu jiao shi* (Taipei: Zhongguo wenhua zazhishe, 1974), 3.290, where Jia Yi describes the depths of contemporary criminality; see also Fan Xuehui, "Siren bingqi": pp. 56–57.

30 See also Sanford Levinson, "The Embarrassing Second Amendment," *Yale Law Journal* 99 (1989), pp. 657. Along similar lines, Chao Cuo (200–154 BC) says, 平陵相遠，川谷居間，仰高臨下，此弓弩之地也，短兵百不當一。"At a distance, on flat or hilly terrain, in river valleys, and facing up or down – these are places for the bow and crossbow, and a

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argues that bows and crossbows enabled bandits to resist arrest and so break the law with impunity. He supposes that the proposed regulations would deprive bandits of their bows and crossbows, forcing them to fight with short weapons, like swords. And in close combat – pace William Wallace, Bruce Lee, et al. – the larger of two forces has a substantial and usually decisive advantage.[31] This should ensure the more numerous legal officers' success when they go to arrest law-breakers. In short, the prohibition of certain weapons judged especially dangerous was supposed to reinforce the power of legal authorities and lead to more effective law enforcement. The emperor sent Gongsun Hong's proposal down for discussion, and Yuqiu Shouwang responded.

The Response

Little is known of Yuqiu Shouwang.[32] A native of Zhao (in the area of modern Hebei, Henan, and Shanxi), he was first taken into imperial service as an expectant appointee because of his skill in the board game gewu.[33] He studied the Chunqiu with Dong Zhongshu, proving himself talented and possessed of a penetrating understanding. He was promoted to the position of gentleman of the household but then demoted for some unspecified offense. Despite a written apology, Emperor Wu rejected even his offer to serve in the imperial horse-stables. A further offer to join the fight against the Xiongnu was also at first denied, though the emperor later acquiesced. When Yuqiu Shouwang's reply to an imperial query about that situation pleased the emperor, he was summoned back and given the official position of gentleman.

Shortly after Yuqiu Shouwang returned to imperial favor, there was an outbreak of lawlessness in Dong commandery (in mod. Shandong and He'nan). Emperor Wu sent Yuqiu Shouwang to take the situation in hand,

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hundred short weapons cannot match one [of these there]", going on to note that short weapons are better in close quarters; *Han shu*, 19.2279.

31 See similar arguments on a broader scale in Daniel D. Polsby and Don B. Kates, Jr., "Of Holocausts and Gun Control," *Washington University Law Quarterly* 75 (1997), pp. 1237–1275.

32 The following is drawn from the biography of Yuqiu Shouwang in *Han shu*, 64A.2794–2798.

33 Lien-sheng Yang, "An Additional Note of the Ancient Game *Liu-po*," *HJAS* 15 (1952), p. 129 discusses *gewu* and proposes the translation, "blocking five."

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appointing him chief commandant in Dong. No grand administrator was appointed, as would have been usual, leaving government in Yuqiu's hands.[34] Success again eluded Yuqiu Shouwang. The crops did not ripen, and banditry spread despite repeated military action. Emperor Wu sent Yuqiu Shouwang a letter, pointedly contrasting the good impression he had made in personal service to the emperor with his dismal failure in the commandery. Yuqiu Shouwang again apologized and explained, but he was recalled to the capital to serve as imperial household grandee. It is around this time that he refuted Gongsun Hong's proposal for bow control. Yuqiu Shouwang was executed at an unknown later date. There is no record of his crime, though a later mention of the emperor's regret over his death hints it was a venial offense.[35]

Emperor Wu collected men of talent – especially literary talent – at his court, including the author of "Against Bow Control."[36] Yuqiu Shouwang was gifted, and Emperor Wu ranked him alongside geniuses like Sima Xiangru (ca. 179–118 BC).[37] Indeed, Yuqiu – like Sima Xiangru – enjoyed Wu's special favor (for a while, at least). But unlike the great rhapsodist, Yuqiu Shouwang was judged worthy of government employment.[38] On the other hand, Wang Chong (27–97) cites him as an example of one whose ability in government did not match his apparent talents.[39] Most of Yuqiu Shouwang's writings have long been lost, and he is known now mainly for "Against Bow Control."[40]

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34 Bielenstein, pp. 93–94.

35 Han Yue (ob. 91 BC), remonstrating with Emperor Wu, mentions, 前吾丘壽王死，陛下至今恨之。"Previously Yuqiu Shouwang died, and your majesty regrets it down to today"; *Han shu*, 36.1930.

36 David R. Knechtges, "The Emperor and Literature: Emperor Wu of the Han," in *Imperial Rulership and Cultural Change in Traditional China*, ed. Frederick P. Brandauer and Chun-Chieh Huang (Seattle: University of Washington Press, 1994), pp. 51–76.

37 *Han shu*, 65.2863. NB that Gongsun Hong's name is there, too.

38 *Han shu*, 34A.2775.

39 See Huang Hui, *Lun heng jiao shi* (Beijing: Zhonghua shuju, 1990), 27.1107–1108.

40 In the *Han shu* "Yiwen zhi," Ban Gu lists a six *pian* collection of Yuqiu's writings and a fifteen *pian* collection of *fu*, but these are long lost; *Han shu*, 30.1727, 1747. Wei Zheng (580–643), *Sui shu* (Beijing: Zhonghua shuju, 1973) "Jingji zhi," 35.1056 mentions a two *juan* collection formerly held in Liang but already lost at that time. Ouyang Xun (557–641), *Yiwen leiju* (Beijing: Zhonghua shuju, 1959), 59.1075–1076 preserves fragments of his "Shi dafu lun" and "Piaoji lungong lun."

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The *Han shu* gives scant context for Yuqiu Shouwang's response to Gongsun Hong. In his brief memorial, Yuqiu makes a number of arguments against Gongsun Hong's simple line of reasoning. He begins with a defense of weapons at the most basic level, saying that political circumstances and not weapons were responsible for violence in the past, implying the same for the Han times:

> 臣聞古者作五兵，非以相害，以禁暴討邪也。安居則以制猛獸而備非常，有事則以設守衛而施行陣。及至周室衰微，上無明王，諸侯力政，彊侵弱，眾暴寡，海內抏敝，巧詐並生。是以知者陷愚，勇者威怯，苟以得勝為務，不顧義理。故機變械飾，所以相賊害之具不可勝數。[41]
>
> I have heard that when the ancients created weapons,[42] they used them not to harm each other but to prevent violence and punish deviance. When they lived in peace, [weapons] were the means to control fierce animals and prepare for the unusual. If there was a problem, they then set up defenses and formed battle lines with them. When it came about that the house of Zhou was weak and insignificant, there was no enlightened king above and the feudal lords ruled by force.[43] The strong attacked the weak and the many did violence to the few. The realm was exhausted, and cunning and deceit came into being together. Thus, the knowledgeable trapped the foolish and the bold intimidated the fearful. They took attaining victory alone as their task and did not pay attention to the principles of duty. Therefore mechanisms evolved and implements elaborated, and the tools for robbing and harming each other were beyond counting.

This argues that weapons are not intrinsically bad and have a utility evinced by their putative origins. Their misuse results from changing times and disordered political circumstances, not from the things themselves. Yuqiu Shouwang would have us look to people and politics rather

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41 *Han shu*, 64A.2795–2796.

42 The text has "the five weapons" (*wubing*) here; there are various explanations for which five are meant. In his commentary at *Han shu*, 64A.2796, Yan Shigu says they are the spear (*mao*), halberd (*ji*), bow (*gong*), sword (*jian*), and bill or dagger-axe (*ge*). However, there is no reason to think that Yuqiu Shouwang is speaking of any particular set. He probably just means "various kinds of weapons," so I paraphrase *wubing* as "weapons."

43 There are two ways of understanding the compound *lizheng*, both explained by Yan Shigu at *Han shu*, 27B.1438. The sense of *li*, "force, power," is clear. Yan's preferred reading takes *zheng* as a substitution for $zheng_1$, "to make a punitive attack." Yan records an alternate reading that takes *zheng* as written, meaning "to govern." I follow the latter. In a commentary at *Han shu*, 92.3698, Yan Shigu gives the general gist, which applies not matter how one reads *zheng*: 力政者，棄背禮義專任威力也。"*Lizheng* means to discard ritual and duty and to exclusively employ intimidation and force."

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than to weapons as the source of violence. He continues by taking up the example of the Qin.

> 於是秦兼天下，廢王道，立私議，滅詩書而首法令，去仁恩而任刑戮，墮名城，殺豪桀，銷甲兵，折鋒刃。其後，民以耰鉏箠梃相撻擊，犯法滋眾，盜賊不勝，至於赭衣塞路，羣盜滿山，卒以亂亡。故聖王務教化而省禁防，知其不足恃也。[44]
>
> Then the Qin united the realm, discarding the way of proper kingship and establishing self-interested counsel. They destroyed the *Shi* and *Shu* and put law and command first.[45] They did away with humaneness and kindness and used punishment and execution. They destroyed famous fortifications and killed exceptional men, melted down armor and weapons and broke blades.[46] But after this, the people attacked each other with mallets, hoes, whips, and staves. Law-breaking increased greatly and robbers and bandits were undefeated. It reached the point that convicts choked the streets and bandit gangs filled the mountains,[47] and in the end [the Qin dynasty] was destroyed by rebellion. Thus, the sage kings strove at proper influence and limited prohibitions, because they know [the latter] are not enough to rely on.

Yuqiu makes three points here. First, he connects outlawing weapons to policies of the fallen Qin dynasty, tarring the proposal by association with the predecessors of the Han.[48] Second, he implies that forbidding weapons is pointless, as people would simply use common implements for violent purposes. His third and ultimate point is that denying the people weapons did not prevent the overthrow of the Qin and so would be unlikely to guarantee public order for the Han.

In this section, the influence of Jia Yi's (200–168 BC) famous "Guo Qin lun" is evident, and a number of the accusations Yuqiu Shouwang makes come from that essay.[49] In the "Guo Qin lun," Jia Yi points specifically to the fact that the Qin had impounded all weapons in the realm. He describes the anti-Qin rebels as wielding the sort of ersatz weaponry

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44 *Han shu*, 64.2796.

45 "They destroyed the *Shi* and *Shu*" is a reference to the famous – if perhaps exaggerated – Qin burning of the books, which occurred in 213 BC; see *Shi ji*, 6.255 and the discussion in Jens Østergard, "Which Books Did the First Emperor of Ch'in Burn? On the Meaning of *Pai Chia* in Early Chinese Sources," *Monumenta Serica* 43 (1995): pp. 1–52.

46 Jia Yi lists all these same offenses in the "Guo Qin lun."

47 The "convicts" here are indicated metonymically by reference to their distinctive red-brown clothes (*zheyi*).

48 Criticism of the Qin was a popular and potent rhetorical method in the Han period, though its claims may be of suspect historicity.

49 Qi Yuzhang, 1.1–74.

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that Yuqiu Shouwang mentions – indeed, the successful rebel force is said to have been inferior to the Qin in every respect, and yet they succeeded where others had failed. Jia Yi's portrayal of the peasant rebels as an ill-equipped rabble emphasizes the failure of military superiority to preserve a misruled dynasty.

Yuqiu Shouwang takes up this line of argument to say that tools are less important than proper governance, that crime comes from other factors than the ownership of bows and crossbows, and that public safety and the fate of a dynasty should rest not on superior force but on quality of rule. The Han ought not look to defeat bandits by arms, he says, but should rather pursue policies to remove the causes of crime. This sensible, if perhaps idealistic, attitude may come from Yuqiu's experiences in Dong commandery, where hardships among the population led to crime. It was also a common conception of crime prevention in early China.[50]

So Emperor Wu cannot mistake this for criticism of himself, Yuqiu follows it with a sycophantic apostrophe that puts the blame for difficulties with bandits on bureaucrats:

> 今陛下昭明德，建太平，舉俊材，興學官，三公有司或由窮巷，起白屋，裂地而封，宇內日化，方外鄉風，然而盜賊猶有者，郡國二千石之罪，非挾弓弩之過也。[51]
>
> Now your majesty has shone forth brilliant virtue, established great peace, promoted the exceptionally talented, and expanded institutions of learning. Some among the three excellencies and responsible officials come from impoverished lanes and arise from plain houses.[52] You have divided the lands and made enfeoffments. The world daily changes

50 The idea that proper rule – and not law and punishment – is the best route to a well-ordered (and thus crime-free) state is found in many early Chinese texts. Probably the best known formulation is found in the *Lunyu zhu shu*, 2.1b [16]: 道之以政，齊之以刑，民免而無恥。道之以德，齊之以禮，有恥且格。"Lead them by means of regulation and order them by means of punishment and the people will avoid these but lack shame. Lead them by means of virtue and order them by means of ritual and they will have a sense of shame and be correct" See also similar ideas in "Zi yi," both the transmitted version in *Li ji zhu shu*, 55.2b [927], and that recovered at Guodian, in Jingmenshi bowuguan, ed., *Guodian Chu mu zhujian* (Beijing: Wenwu chubanshe, 1998), p. 130.

51 *Han shu*, 64A.2796.

52 The term "plain houses" (*baiwu*, literally "white houses") is variously explained, though its function as metonymy for a common background is certain. Yan Shigu, at *Han shu*, 64A.2797, says that *baiwu* refers to 以白茅覆屋也。"Using white reeds to cover houses." Cheng Dachang (1123–1195), *Yan fan lu*, *Skqs*, 6.13a-14a [118] relates it instead to a ritual system with that specified certain colors for the houses of different social ranks,

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[for the better], and the outlands accept your influence.[53] The fact that there are still robbers and bandits is the crime of those in the commanderies and states who earn two thousand bushels. It is not the error of [permitting] ownership of bows and crossbows.

Here, Yuqiu Shouwang blames ineffective high administrators – with salaries of two thousand bushels per year – for public safety problems. He also gets in a dig at Gongsun Hong's common origins among the "impoverished lanes" and "plain houses" under the guise of praise for meritocracy.[54] Yuqiu does not adduce himself as an example of the incapables whose mismanagement is responsible for crime. Suicidal he was not.

Yuqiu Shouwang goes on to list in telegraphic succession four allusions to archery in classical texts: two from ritual sources and one each from the *Lunyu* and the *Shi*. This is a rhetorical appeal to authority (argumentum ad verecundiam) that probably had special weight in the time of Emperor Wu's rule, for it was then that Ru ideology, which drew so much from classical texts, gained preferred status.[55] A modern reader may note that including these citations seems logically fallacious, whatever their evident rhetorical potency, in that none (apparently) addresses the subject at hand. Yuqiu Shouwang makes his point clear at the end of this section: the presence of bows in antique culture proves the sages of past days found nothing objectionable – and indeed something laudable and worthy of ritual use – in them.

First Yuqiu writes, 禮曰，男子生，桑弧蓬矢以舉之，明示有事也。 "The rituals say that when a male child is born, mulberry bows and bitter fleabane arrows are hung for him, to clearly show he has his task,"[56] referring to what is elsewhere termed the Xuanhu (Suspended bow) ritual.[57] This exact phrasing is not found in any extant ritual text, but re-

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but excluded commoners from all, permitting them only "white" (i.e., plain, unpainted) houses.

53 *Xiangfeng*, literally, "to face the wind," is a conventional expression for "accept influence." "Outlands" (*fangwai*) are the areas beyond the borders.

54 Yan Shigu, *Han shu*, 64A.2797, says this.

55 See the discussion in Nicolas Zufferey, *To the Origins of Confucianism: The "Ru" in Pre-Qin Times and During the Early Han Dynasty* (Bern: Peter Lang, 2003).

56 Frederick Porter Smith, *Chinese Materia Medica: Vegetable Kingdom*, revised by G.A. Stuart; second revised edition by Ph. Daven Wei (Taipei: Ku T'ing Book House, 1969), p. 164 identifies *peng* as *Erigeron kamtschaticum* (= *kamtschaticus*), bitter fleabane.

57 *Li ji zhu shu*, 25.18b [488].

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lated material is found in the "She yi" chapter of the Li ji,[58] and other sources describe similar practices.[59]

Next comes a truncated quotation from the *Lunyu*: 孔子曰，吾何執？（…）執射乎？[60] "Kongzi said, 'What shall I pursue? (…) Shall I pursue archery?'" The exact significance of this in the *Lunyu* is not clear. Some readers take it as an expression of Kongzi's modesty,[61] while another suggests it is levity.[62] However you understand the quote, in the *Lunyu* Kongzi immediately goes on to say that he will take up something else, so its value as a celebrity endorsement of archery might seem limited. But it is a mention of the bow by Kongzi, which Yuqiu cites only to borrow the Sage's authority for his discourse.

Third is another reference to rite: 大射之禮，自天子降及庶人，三代之道也。"The Dashe (Great shooting) ritual reaches from the Son of Heaven on down to the common people and is the way of the Three Dynasties." The Dashe was a ceremonial archery contest by which a leader picked those followers who would join him in performing ritual sacrifices. Some texts say the Dashe was the emperor's sole preserve,[63] but others make it clear that lower-level leaders also used this rite.[64] And although some early commentators say the opposite, it is likely that the chain of superiors and subordinates involved reached all the way down to

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58 *Li ji zhu shu*, 62.12b [1019].

59 The "Neize" chapter of the *Li ji* says, 子生男子設弧於門左，女子設帨於門右。"When a child is born and it is a son, a bow is put to the left of the door; if it is a girl, a kerchief is put to the right of the door". Zheng Xuan (127–200) explains that these items include the respective tasks of the genders: war and serving others; *Li ji zhu shu*, 28.11b [534]. An interesting side-note comes in the medical text "Tai chan shu" recovered at Mawangdui, which recommends putting out the bow and arrow during pregnancy as a means to influence the gender of a fetus towards masculinity (not mentioning the kerchief); see Mawangdui Han mu boshu zhengli xiaozu, *Mawangdui Han mu boshu*, vol. 4 (Beijing: Wenwu chubanshe, 1985), p. 136.

60 *Lunyu zhu shu*, 9.1b [77].

61 As argued by Zheng Xuan and seconded by Xing Bing (931–1010); *Lunyu zhushu*, 9.1b [77].

62 Christoph Harbsmeier, "Confucius Ridens: Humor in the *Analects*," *HJAS* 50 (1990), p. 135.

63 Cf. Fan Ye (398–445), *Hou Han shu* (Beijing: Zhonghua shuju, 1965), 40.1668 and the commentary there.

64 *Zhou li zhu shu*, 7.7a [108].

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the ordinary folk, as Yuqiu Shouwang indicates.[65] There were many ancient rituals involving archery. By referring to the whole social spectrum from emperor on down to commoner, Yuqiu Shouwang alludes pars pro toto to the larger set and not only to the Dashe.

Yuqiu Shouwang goes on to quote the poem "Bin zhi chu yan" (Mao #220) from the "Xiao ya" section of the *Shi*:

> 詩云「大侯既抗，弓矢斯張，射夫既同，獻爾發功」，言貴中也。[66]
> The *Shi* says, "The great target is lifted – / Bend the bows with their arrows; / The archers are in pairs – / Present your shooting skills," which describes esteeming hitting [the bullseye].

As above, in this context the citation does not apparently bear witness to anything relevant except positive treatment of archery in classical culture.

Yuqiu Shouwang ends his list asserting, 愚聞聖王合射以明教矣, 未聞弓矢之為禁也。[67] "I have heard that the sage kings shot together [with their subjects] in order to evince influence; I have never heard of bows and arrows being prohibited." This a reference to early rulers' practice of shooting together with their subjects, which was tied to ritualized hunting and similar observances.[68] It also concludes the section by reinforcing the point that ritual use of the bow is part of traditional culture, the implements of which had never been proscribed. That is the essence of this part of the argument: bows (and, by extension, crossbows) should be allowed to the people because of their established place in ritual and tradition.

Yuqiu Shouwang resumes his main argument by anticipating the effects of the proposed laws against owning bows and crossbows.

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65 Jin Bang (Qing), *Li jian*, in Ruan Yuan (1764–1849), ed., *Huang Qing jing jie* (Shanghai: Shizhai, 1888), 80.5b; see also Gao Buying, p. 86.

66 For the canonical text of and commentaries, see *Maoshi zheng yi*, 14–3.3b [490]. In translating, I follow Yan Shigu's commentary at *Han shu*, 64A.2797; I also consulted Cheng Junying and Jiang Jianyuan, *Shijing zhuxi* (Beijing: Zhonghua shuju, 1991), pp. 695–697 and James Legge, *Chinese Classics*, 2nd ed., volume 4: The She Ching (Hong Kong: Hong Kong University Press, 1960), p. 396. Yuqiu Shouwang and Yan Shigu understand the poem in a way said to be associated with the Qi tradition; see Wang Xianqian, *Shi Sanjia yi jishu* (Taipei: Mingwen shuju, 1988), pp. 782–783; and Chen Shouqi (1771–1834) and Chen Qiaocong (1809–1869), *Qishi yishuo kao*, in *Sanjiashi yishuo kao*, *Congshu jicheng xubian* ed., 2–3.17ab.

67 *Han shu*, 64A.2797.

68 On similar practices, see Mark Edward Lewis, *Sanctioned Violence in Early China* (Albany: State University of New York Press, 1990).

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且所為禁者，為盜賊之以攻奪也．攻奪之罪死，然而不止者，大姦之於重誅固不避也。臣恐邪人挾之而吏不能止，良民以自備而抵法禁，是擅賊威而奪民救也。[69]

At the same time, what is supposed to be prohibited is the use [of bows and crossbows] by robbers and bandits for assault and robbery. The punishment for assault and robbery is [already] death, but they do not cease, as great wickedness is definitely not deterred by heavy punishment. I fear that wayward men would own these [weapons] and the officers would be unable to stop them. The good people who might have them for self-defense would run into the legal prohibition.[70] This would give a monopoly on intimidation to bandits and steal the people's [means for] preservation.

Here Yuqiu makes the argument, still familiar today, that laws against bows and crossbows would only affect the law-abiding. "The good people who might have them for self-protection would run into the legal prohibition," while criminals who already commit acts punishable by death are not likely to respect laws against owning weapons any more than they do those against assault and robbery. Nor would a constabulary previously unable to arrest bandits suddenly be able to take away their bows and crossbows. The result would be criminals whose job is made easier because the law-abiding would be unable to resist them effectively. This hearkens back to what Yuqiu Shouwang called one of the original purposes of weapons (mentioned above): to "prepare for the unusual," i.e., emergency. He asserts that the proposal to take away their bows and crossbows would only deprive the people of self-protection. Yuqiu Shouwang concludes that the proposal would not have the positive results Gongsun Hong predicts:

竊以為無益於禁姦，而廢先王之典，使學者不得習行其禮，大不便。[71]

I hold that while [this proposal] would not be of benefit in prohibiting wickedness, it would destroy the canons of the first kings and cause scholars to be unable to practice their rituals. It is greatly disadvantageous.

Yuqiu Shouwang's memorial appears to have convinced Emperor Wu, and when the emperor challenged Gongsun Hong with it, the chancellor

69 *Han shu*, 64A.2797.

70 It may be noted that *liangmin* refers here simply to "good people." Beginning in the 3rd century (after the fall of the Han in 220), *liangmin* became a legal term, but it was not at the time Yuqiu wrote; see Hori Toshikazu, *Chūgoku kodai no mibunsei: Ryō to sen* (Tokyo: Kyūku Shoin, 1987), p. 139.

71 *Han shu*, 64A.2797.

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dropped his proposal.[72] This is the sole reason the Han shu gives for the emperor's decision, though other factors may well have been involved. It is obvious that Yuqiu Shouwang submitted "Against Bow Control" in a context of factional politics – he was, after all, a former student of Gongsun Hong's rival Dong Zhongshu.[73] And it probably didn't hurt that he was a favorite of Emperor Wu.[74] But history records only one cause, namely, "Against Bow Control."

Conclusion

Above, I mentioned three arguments against gun control that also occur in Yuqiu Shouwang's memorial, perforce differing in detail. Yuqiu Shouwang argues against blaming bows and crossbows for crime, which he contends is caused by misgovernment. Much as proponents of gun ownership in the US do, he says that bows and cross are implements, subject to proper and improper use. Like those who speak of an American heritage of gun ownership and hunting, Yuqiu adduces examples of archery in traditional culture for rhetorical support.

The strongest argument against prohibiting weapons, then as now, is self-defense. The most common rationale against increased regulation of guns in the modern US is that ordinary citizens need weapons for protection against armed criminals. Yuqiu Shouwang's case rests on the need for effective self-defense, too. The qualifier effective is important, because nowhere in Gongsun Hong's memorial or Yuqiu's rebuttal is there the suggestion that the proposed regulations would bar the common person from self-defense against unlawful attack. The prerogative to protect oneself is nowhere in question, indicating a shared idea of acceptable behavior. The discussion focuses on means: Yuqiu Shouwang asserts that without bows and crossbows the common people would be unable to protect themselves in a meaningful way from desperadoes armed with them. Emperor Wu appears to have accepted the reasoning as valid, and the proposed regulations against private ownership of bows and crossbows were not enacted.

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72 *Han shu*, 64A.2797.

73 As mentioned above. See also *Han shu*, 56.2499.

74 Li Deyu (787–849), *Li Wenrao wenji*, *Sibu congkan* ed., "Waiji," 3.2b.

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In "Against Bow Control," Yuqiu Shouwang refuted Gongsun Hong's proposal to institute bow control measures with a combination of practical reasoning, appeals to traditional culture, and flattery of the emperor, and Emperor Wu accepted his arguments. The similarities between the rhetoric of the debates over bow control in Han China and gun control in the modern US are perhaps surprising. At two widely separated points in time, discussions weighing the interests of public safety versus the ability of the individual to defend himself took similar forms and came to similar results. I guess sometimes the news doesn't get old.

Glossary of Chinese characters, titles, and names

baiwu 白屋
"Bin zhi chu yan" 賓之初筵
chancellor (*chengxiang* 丞相)
Chao Cuo 晁錯
Cheng 成
chief commandant (*duwei* 都尉)
Chunqiu 春秋
clerk of the eastern part of the capital (*zuoneishi* 左內史)
Dong 東 commandery (*jun* 郡)
Dong Zhongshu 董仲舒
Dashe 大射
erudite (*boshi* 博士)
expectant appointee (*daizhao* 待詔)
fangwai 方外
ge 戈
gentleman (*lang* 朗)
gentleman of the household (*zhonglang* 中郎)
gewu 格五
gong 弓
Gongsun Hong 公孫弘
grand administrator (*taishou* 太守)
grand commandant (*taiwei* 太尉)
grand master of ceremonies (*taichang* 太常)
grandee secretary (*yushi dafu* 御史大夫)
Gu Yanwu 顧炎武
"Guo Qin lun" 過秦論
Han shu 漢書
Han Yue 韓說
Hu Sanxing 胡三省
ji 戟
Jia Yi 賈誼
jian 劍
"Jingji zhi" 經籍志
Kang 康
Kongzi 孔子
Kuo 彏
li 力
Li ji 禮記
liangmin 良民
Liu Che 劉徹
lizheng 力政
Lunyu 論語
marquis (*hou* 侯)
mao 矛
"Neize" 內則
peng 蓬
"Piaoji lungong lun" 驃騎論功論
Pingjin 平津
"prepare for the unusual" (*bei feichang* 備非常)
Qi 齊
Qin Shihuang 秦始皇

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Ru 儒
"She yi" 射義
Shi 詩
"Shi dafu lun" 士大夫論
Shu 書
Sima Xiangru 司馬相如
"Su ji" 俗激
"Tai chan shu" 胎產書
three excellencies (*sangong* 三公)
Wang Chong 王充
Wang Mang 王莽
wu 吾
wubing 五兵
Xiang feng 鄉 [=嚮] 風
"Xiao ya" 小雅
Xie 挾
Xin shu 新書
Xing Bing 邢昺
xingcuo 刑錯 (sometimes written *xingcuo* 刑措)
Xiongnu 匈奴
Xuanhu 縣 [=懸] 弧
Xue 薛
Yan Shigu 顏師古
Ying Zheng 嬴政
"Yiwen zhi" 藝文志
Yuqiu Shouwang 吾丘壽王
Zhao 趙
zheng 政
zheng$_1$ 征
Zheng Xuan 鄭玄
zheyi 褶衣
Zhufu Yan 主父偃
"Zi yi" 緇衣
Zichuanguo 菑川國
Zigong 子贛

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